

Department of Veterans Affairs

§ 21.262

PAYMENT OF POST-9/11 SUBSISTENCE ALLOWANCE IN ACCORDANCE WITH PUBLIC LAW 111-377—Continued

[Effective August 1, 2011]¹

Type of program	Payment
Nonpay or nominal pay on-job training in a Federal, State, local, or federally recognized Indian tribe agency; vocational course in a rehabilitation facility or sheltered workshop; institutional non-farm cooperative: Full-time only	Entire BAH of agency or institution ZIP code.
Nonpay or nominal pay work experience in a Federal, State, local, or federally recognized Indian tribe agency: Full-time	Entire BAH of agency ZIP code.
3/4 time	3/4 BAH of agency ZIP code.
1/2 time	1/2 BAH of agency ZIP code.
Farm cooperative, apprenticeship, or other on-job training (OJT): ³ Full-time only	Entire BAH of employer ZIP code.
Combination of institutional and OJT (Full-time only): Institutional greater than 1/2 time. OJT greater than 1/2 time ³	Entire BAH of institution ZIP code. Entire BAH of employer ZIP code.
Non-farm cooperative (Full-time only): Institutional	Entire BAH of institution ZIP code.
On-job ³	Entire BAH of employer ZIP code.
Improvement of rehabilitation potential: Full-time	Entire BAH of institution ZIP code.
3/4 time	3/4 BAH of institution ZIP code.
1/2 time	1/2 BAH of institution ZIP code.
1/4 time ⁴	1/4 BAH of institution ZIP code.
Training consisting of solely distance learning: ⁵ Full-time	1/2 BAH National Average.
3/4 time	3/8 BAH National Average.
1/2 time	1/4 BAH National Average.
Training in the home, including independent instructor: Full-time only	1/2 BAH National Average.
Training in an institution not assigned a ZIP code, including foreign institutions: Full-time	Entire BAH National Average.
3/4 time	3/4 BAH National Average.
1/2 time	1/2 BAH National Average.

¹ Effective August 1, 2011, the *Post-9/11 subsistence allowance* may be paid in lieu of subsistence allowance authorized in § 21.260(b), and is not adjusted to include dependents.

² For measurement of rate of pursuit, see §§ 21.4270 and 21.4272 through 21.4275. Payments for courses being taken simultaneously at more than one institution are based on the BAH of the ZIP code assigned to the parent institution.

³ For on-job training, payment of the *Post-9/11 subsistence allowance* may not exceed the difference between the monthly training wage, not including overtime, and the entrance journeyman wage for the veteran's objective.

⁴ The quarter-time rate may be paid only during extended evaluation.

⁵ Payment for training consisting of both distance learning and courses taken at a local institution is based on the BAH of the ZIP code assigned to the local institution.

(Authority: 38 U.S.C. 3108, 3115(a)(1))

(d) *Subsistence allowance precluded.* A veteran may not receive a subsistence allowance when VA is providing the veteran only the following services:

- (1) Initial evaluation;
- (2) Placement and post-placement services under 38 U.S.C. 3105(b); or
- (3) Counseling.

(Authority: 38 U.S.C. 3108 (a)(1) and (a)(3))

(e) *Dependents.* The term *dependent* means a spouse, child or dependent parent who meets the definition of relationship specified in § 3.50, § 3.57 or § 3.59 of this chapter.

(Authority: 38 U.S.C. 3108(b))

[49 FR 40814, Oct. 18, 1984, as amended at 51 FR 9955, Mar. 24, 1986; 52 FR 42113, Nov. 3, 1987; 54 FR 4283, Jan. 30, 1989; 56 FR 7567, Feb. 25, 1991; 60 FR 4561, Jan. 24, 1995; 65 FR 51764, Aug. 25, 2000; 65 FR 60724, Oct. 12, 2000; 76 FR 34000, June 10, 2011; 76 FR 45703, Aug. 1, 2011]

§ 21.262 Procurement and reimbursement of cost for training and rehabilitation services, supplies, or facilities.

(a) *General.* Whenever services, supplies and facilities from source outside VA are required by any of these regulations, they shall be provided through contract, agreement of other cooperative arrangement between VA and the vendor.

(Authority: 38 U.S.C. 3115(b))

(b) *VA Acquisition Regulations.* Payments of charges for training and rehabilitation services, supplies, or facilities, authorized under Chapter 31 are subject to the provisions of applicable VA Acquisition Regulations especially 48 CFR part 831 and subpart 871.2.

(Authority: 38 U.S.C. 3115(a))